

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 08-148
VERSUS	*	SECTION: "S" (1)
QUEBAN LEE	*	
	*	*
	*	*

FACTUAL BASIS

If this matter were to proceed to trial, the government would prove the following facts through competent evidence:

Joe Kopsa would testify and provide evidence showing that Medicaid is a public insurance (assistance) program that provides primary and preventative health care coverage to low-income families and persons with medical disabilities. UNISYS Corporation is a fiscal intermediary that processes Medicaid claims and makes reimbursement to providers for rendering services to qualified Medicaid recipients. Each claim submitted by a provider discloses the recipient's identification number and the name of the recipient receiving the service, a description of the procedure using a billing code that accurately describes the service rendered, the date of service, the amount billed and the provider's unique Medicaid number.

Records from Medicaid and documents recovered in a search of A New Beginning of New Orleans, Inc. (ANBNO) in May 2005 would prove that ANBNO was an agency located at 3714 Westbank Expressway, Suite 7, Harvey, Louisiana, that was certified by Medicaid to provide services to eligible Medicaid recipients. On April 28, 2001, ANBNO applied for a Medicaid Provider Number (PN) to become a Personal Care Attendant Provider. The application disclosed that Michael Davis and Akasia Lee were the owners of ANBNO. ANBNO was issued Medicaid PN 0018874; Medicaid changed the PN for ANBNO to 17081 in September 2003.

Joe Kopsa would testify that ANBNO transmitted its claims to UNISYS electronically. Each electronic billing included a professional services certification, signed by the provider, which stated in part: “the services rendered were necessary, medically indicated and were rendered by me or under my personal supervision. I have reviewed the claim information submitted and certify that it is true, accurate and complete . . . I understand that payment and satisfaction of these claims will be from federal and state funds, and that any false claims, statements, or documents, or concealment of material fact, may be prosecuted under applicable federal and state laws.”

Linda Wascom, a Program Director for Louisiana Medicaid would testify about Medicaid’s Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program which covers personal care services (PCS) available to eligible recipients meeting the medical necessity

criteria for the services. PCS are prescribed by physicians who also approve a plan of care (POC) which specifies the type of PCS to be provided, that is, the activities of daily living for which assistance is needed, and the minimum and maximum frequency and duration of these services.

PCS must be provided through a licensed Personal Care Attendant Medicaid provider in a recipient's home unless it is medically necessary to do so elsewhere. The recipient's immediate family was not allowed to provide PCS. Immediate family was defined as father, mother, sister, brother, spouse, child, grandparent, in-law, or any individual acting as parent or guardian of the recipient.

The purpose of ordering PCS was to prevent institutionalization of the recipient, and to enable the recipient to be treated on an outpatient basis rather than an inpatient basis. EPSDT PCS included:

1. Basic personal care, toileting and grooming activities, including bathing, hair care and assistance with dressing;
2. Assistance with bladder and/or bowel requirements, including helping the client to and from the bathroom or assisting with bedpan routines;
3. Assisting with eating and food, nutrition and diet activities, including preparing meals for the recipient only;
4. Performing incidental household services only for the recipient that are essential to the recipient's health and comfort in the home, such as changing and washing the recipient's bed linens or cleaning up, or of meal preparation for the recipient only.
5. Accompanying, but not transporting, the recipient to and from the doctor;

Ms. Wascom would testify that, to properly document EPSDT PCS, providers must include dates of service, services provided, total number of hours worked, time period worked, condition of recipient and service provision difficulties.

The investigation of the billings submitted by ANBNO to the Louisiana Medicaid Program conducted by the Federal Bureau of Investigation, the Office of Inspector General for the U.S. Department of Health and Human Services and the Louisiana Department of Justice's Medicaid Fraud Control Unit indicated that virtually every claim submitted for reimbursement was false and fraudulent.

Crystal Black, a former employee of ANBNO, would testify that Queban Lee is Akasia Lee's brother and was an employee of ANBNO. Ms. Black would testify that she often observed Queban Lee sitting at his desk as he created false documentation relating to PCS clients he had not actually seen.

The government would introduce into evidence the patients files of JoPe, RaLa, TeBa, RaSi, RaWa, PrGr, ToDe, AnBu, ShBr and TeJo (as described by the patients' initials) that were seized from the ANBNO office when it was searched by federal law enforcement authorities. Those patient files include time sheets and PCS daily schedules indicating that Queban Lee personally provided PCS to Medicaid recipients. These patients' files contain background information on the patient, the physician's prescriptions ordering the PCS, the plans of care, and the Medicaid 90-L preauthorization forms, in addition to time sheets and PCS daily schedules, which

falsely documented that PCS were rendered. The medical records contain fraudulent time sheets and PCS daily activity schedules and indicate that Queban Lee provided PCS to the patients.

Crystal Black would testify these time sheets were used by Akasia Lee as the basis for billing the Medicaid program for PCS for these patients that were not provided.

Joyce Perrier would testify that she is the mother of JoPe and that Queban Lee never rendered PCS to JoPe. She would also testify that she did not sign the PCS Daily Schedules for the time period December 17, 2003, through December 23, 2003.

Diane Calvin would testify that she was introduced to ANBNO by an employee of the company, who explained that she could get paid by ANBNO for watching her own child and filling out paperwork as if she were watching another child. She later met Akasia Lee at ANBNO, who explained that she would be assigned a client, but that she would not have to go to the child's house to provide PCS. Ms. Calvin would further testify that she neither knows anyone named QUEBAN Lee nor did Queban Lee ever perform any PCS for her child, RaLa. Ms. Calvin would testify that she picked up RaLa's time sheets that had been placed in her mailbox at ANBNO and signed and initialed them on payday, and prior to pay day, would drop off the fraudulent time sheets for the client she was assigned to so that the mother could sign and initial them. No PCS were ever provided to RaLa.

The government would introduce into evidence financial and billing information provided by Medicaid establishing that ANBNO received approximately \$27,814 for PCS based upon false ANBNO time sheets indicating that Queban Lee was the provider of PCS that were never rendered.

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